

ALCOHOL AND TOBACCO COMMISSION

June 18, 2019

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

June 4, 2019

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

634 renewals
72 new/transfers
7 catering
1 1st year escrow
1 2nd year escrow
16 new/renewal carrier
31 renewal direct wine shippers
1 new e-liquid

6. Renewal Letters and Waivers of Fees for Letters of Extension -

7. Applications for Discussion –

RR71-35363 Sur, LLC – new with LB voting 2-1 to approve

RR49-32843 Jimmy's Nail Spa LLC – renewal with LB voting 3-0 to deny

8. Inactive Files –

25 permits not subject to auction
8 permits subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Round Table Dates: retailers 7/16; vintners 7/22 (held at IWVA Summer Conference in Fort Wayne); non-package store dealers 8/20; artisan distilleries 9/17

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 18, 2019

CALL TO ORDER/NOTING OF QUORUM

Vice Chairman Krauss called the meeting to order and noted the quorum and the attendance. Present were Commissioner Maginn and Commissioner Grubb. Industry Liaison Stewart was also in attendance.

Greg Genrich, Brooke Burtnett, Mark Webb, Jenny Drewry, Andrew Alvarez, Sarah Quinn, Carmen Pratts Porter, and Daniel deRoziere were present as observers.

DISPOSITION OF MINUTES

Commissioner Maginn moved to approve the minutes from the June 4, 2019 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Commissioner Maginn noted there are 61 Parties' Agreed Dispositions, totaling \$18,650.00 in fines, for the Commission's approval.

Commissioner Maginn highlighted a few of the dispositions: DL46-03940, 2nd service to minor, \$750.00 fine; RR45-30766, 2nd service to minor, \$750.00 fine; RR20-30934 (3 separate dates), 2nd service to minor, gaming payouts, etc. and service of set-ups, \$1,700.00 fine; RR82-33366, public nuisance, \$1,000.00 fine; TC11443001, sales of individual cigarettes, \$1,000.00 fine.

Commissioner Grubb moved to approve the PAD forms submitted by the Prosecutor. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

No Hearing Judge's Recommendations

CONSIDERATION OF APPLICATIONS

Commissioner Grubb moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same, pending any escrow hearings, and the inclusion of these lists as part of the minutes. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve and incorporate by reference these lists of permit applications for a new permit or application for changes in location, ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same, pending final floor plan approval by the Indiana State Excise Police and escrow, if

needed, and inclusion of these lists as part of the minutes. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve and incorporate by reference these lists of applications for catering. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a commissioner as appropriate for escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal carrier permits. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the direct wine shipper renewal permits. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new e-liquid permit. Commissioner Maginn seconded. The motion was unanimously approved.

RENEWAL LETTERS AND WAIVERS OF FEES

Commissioner Maginn moved to approve the renewal and fee waived letters of extension that were issued for the preceding weeks. Commissioner Grubb seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR71-35363 SUR, LLC – Vice Chairman Krauss noted this is a new application with the local board voting 2-1 to approve.

Commissioner Maginn stated this applicant currently operates a restaurant. They have a patio that seats 20 and would like to obtain a riverfront/seasonal alcohol permit. The Commissioner had several questions regarding this application and because the executive secretary and commission counsel were out of the office, those questions have not been answered.

By consent, the Commission continued this application to the July 2, 2019 meeting.

RR49-32843 JIMMY'S NAIL SPA, LLC – Vice Chairman Krauss noted this is a renewal application with the local board voting 3-0 to deny.

Commissioner Maginn stated this business expanded to a 2nd floor. The permittee renovated the space without obtaining the proper permits, operated without getting a floor plan change approval and operated the business in violation of city ordinances. Sgt. Bill Carter was present as a remonstrator.

Vice Chairman Krauss noted after the local board meeting, the permittee submitted a letter with patrons' signatures and also an agreed Order with the city to cease illegal operations on the 2nd floor, for the Commission's consideration.

Commissioner Maginn moved to uphold the local board's recommendation to deny the renewal. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make thirty-three (33) permits inactive. Eight permits are subject to auction and twenty-five permits are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

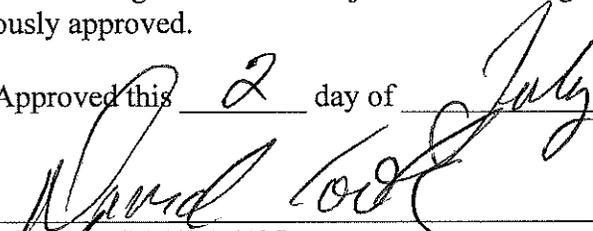
ANNOUNCEMENTS

PROPOSED ROUNDTABLE MEETINGS 2019 – Vice Chairman Krauss stated the proposed schedule of roundtable meetings is as follows: retailers 7/16; vintners 7/22 (at IWVA Summer Conference in Fort Wayne); non-package store dealers 8/20; artisan distilleries 9/17

ADJOURNMENT

Commissioner Maginn moved to adjourn the meeting. Commissioner Grubb seconded. The motion was unanimously approved.

Approved this 2 day of July, 2019.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER